

1 Thomas M. Baker – Arizona Bar # 013475

2 Appearing *pro hac vice* in this matter

3 **BAKER & BAKER**

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8 Attorney for Defendant David Damante

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF NEVADA**

11 Case No. 2:11 CR-064 – JCM-PAL

12 United States of America,
13 Plaintiff,

14 v.

15 DAVID DAMANTE,
16 Defendant.

17 **DEFENDANT’S MOTION FOR A FIVE**
18 **(5) BUSINESS DAY EXTENSION OF**
19 **TIME IN WHICH TO FILE HIS**
20 **REPLIES TO THE GOVERNMENT’S**
21 **RESPONSES TO DEFENDANT’S**
22 **MOTIONS**

23 (1st Request)

24 Comes now Defendant David Damante, by and through his attorney undersigned, and
25 moves for a five (5) day extension of time in which to file his replies to the Government’s
26 responses to Defendant’s Motions.

27 It is expected that excludable delay under 18 U.S.C. § 3161(h)(1)(D) will occur as a
28 result of this motion or of an order based thereon.

Defendant requests this additional time because his counsel is a sole practitioner and
has had to devote substantial time to drafting and filing numerous pleadings in other matters,

1 including the complaint for declaratory action and injunctive relief in *Litton et. al. v. City of*
2 *Phoenix et. al., Howard Taylor Real Party-in-Interest*, CV2011-014526. Defendant's
3 counsel also devoted substantial time to trial preparation in *State v. Guerrieri*, 4311623.
4 *Guerrieri* was set for jury trial on Tuesday, August 2, 2011 however, the case resolved that day
5 after the Court ruled on pending motions *in limine* and prior to the jury panel arriving.
6

7 Defendant's counsel has attempted to contact AUSA Roger Yang regarding this
8 extension of time. However, he was unable to reach Mr. Yang on Friday, August 5th, 2011 or
9 Monday, August 8, 2011.
10

11 WHEREFORE, for the reasons stated above, Defendant request a five (5) business day
12 extension of time in which to file his replies to the Government's responses to Defendant's
13 Motions or until Monday, August 15, 2011.

14 RESPECTFULLY SUBMITTED this 8th day of August, 2011.

15 BAKER & BAKER
16

17 By /s/ Thomas M. Baker
18 Thomas M. Baker
19 Attorney for Defendant

20 ELECTRONIC CERTIFICATE OF SERVICE

21 I HEREBY Affirm that on this 8th day of August, 2011, the foregoing Motion for a Five
22 (5) Business Day Extension of Time in which to file his Replies to the Government's
23 Responses to Defendant's Motions (Doc 23) was served upon counsel of record via ECF
(electronic case filing).

24 BAKER & BAKER
25

26 By /s/ Thomas M. Baker
27 Thomas M. Baker
28 Attorney for Defendant

1
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ORDER

9
10 Defendant David Damante, having filed a Motion for an extension of time in which to
11 file his replies to the Government's responses to the Defendant's pending motions, and good
12 cause appearing,
13

14 IT IS HEREBY ORDERED granting the extension of time for the Defendant to
15 file his replies to the Government's responses to the Defendant's pending motions up to, and
16 including, Monday, August 15, 2011.

17 IT IS FURTHER ORDERED excludable delay under 18 U.S.C. Sec. 3161(h)(8)(A) is
18 found to commence on _____ for a total of _____ days.
19

20 DATED this 32 day of August, 2011.
21

22
23 
24 United States District Judge